

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

RICHARD W. HENDERSON §
VS. § CIVIL ACTION NO. 1:07-CV-705
PATRICIA IRWIN, ET AL. §

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Richard W. Henderson, a prisoner confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Patricia Irwin, Dr. Rizalino Reyes, and Maxine M. Black.

The court ordered that this matter be referred to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge has submitted two Reports and Recommendations of United States Magistrate Judge. The magistrate judge recommends dismissing the claims against Maxine Black pursuant to Federal Rule of Civil Procedure 4(m). The magistrate judge also recommends granting defendants' motion for summary judgment.

The court has received and considered the Reports and Recommendations of United States Magistrate Judge, along with the record, pleadings, and all available evidence. Plaintiff filed objections to the magistrate judge's Reports and Recommendations.

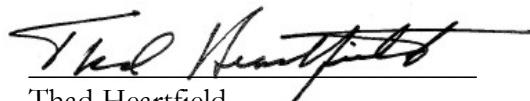
The court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. Civ. P. 72(b). Defendant Black has not been served, and plaintiff

has not provided the court with an address where she may be served with process. Therefore, the claims against her should be dismissed pursuant to Rule 4(m). In addition, summary judgment is appropriate because plaintiff has not demonstrated that the defendants were deliberately indifferent to his serious medical needs.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the reports of the magistrate judge are **ADOPTED**. A final judgment will be entered in accordance with the magistrate judge's recommendations.

SIGNED this the 4 day of August, 2010.



Thad Heartfield
United States District Judge